

Draft Towing Ordinance for Outreach
4-3-13

Article IX

Sec. 17-330. Definitions.

Immobilization device means a tool attached to a motor vehicle that makes it immobile until the device is removed.

Property owner means a person who owns private property, including the authorized agent of the owner.

Tow includes transport by any means.

Towing carrier means any person who tows, or attempts to tow, motor vehicles from private property in the city, for compensation of any kind.

Vehicle owner means the person who owns a motor vehicle, including the vehicle operator and authorized agent of the owner.

Sec. 17-331. Applicability.

Sections 17-330 through 17-341 apply to a towing carrier operating in the city, and all transactions related to a tow that originates in the city, regardless of the impound lot location.

Sec. 17-332. Private parking areas; private streets—Generally.

(a) The property owner of any private parking area is deemed to have given consent to unrestricted parking by the general public in such parking area, unless the parking area is posted with signs required by section 17-333.

(b) The property owner's association of an area containing private streets is deemed to have given consent to unrestricted parking by the general public on such private streets, unless the private street is posted with signs required by section 17-333.

Sec. 17-333. Required signs—private parking areas; private streets.

(a) The signs shall contain the following information:

- (1) Restrictions on parking;
- (2) Vehicles towed at owner's expense;
- (3) \$125 maximum;
- (4) Scottsdale Police Department 480-312-5000; and
- (5) A reference to Scottsdale Revised Code, Sections 17-330 through 17-341.

(b) The signs shall be located:

- (1) In private parking areas:
 - (A) At each entrance to the private parking area, and
 - (B) To be clearly visible and readable from any point in the parking area.
- (2) On private streets:
 - (A) At each entrance to the area of private streets, and
 - (B) At every street where a public street intersects with a private street.
- (3) In gated properties, where gates guard every entrance to the private streets, at each

gate.

(4) To put drivers on notice that the area restricts public parking.

(c) The size and height of signs shall be:

(1) At each entrance to a private parking area:

(A) Minimum size: 12 inches by 18 inches.

(B) Height range above the ground: minimum height of three feet and maximum height of six feet.

(2) Within a private parking area:

(A) Minimum size: 9 inches by 12 inches.

(B) Height range above the ground: minimum height of three feet and maximum height of ten feet.

(3) At each entrance to an area with private streets:

(A) Minimum size: 12 inches by 18 inches.

(B) Height range above the ground: minimum height of three feet and maximum height of six feet.

(4) At each intersection of a public street and a private street:

(A) Minimum size: 9 inches by 12 inches.

(B) Height range above the ground: minimum height of three feet and maximum height of ten feet.

(d) The minimum height range above the ground is measured from the bottom of the sign. The maximum height range above the ground is measured from the top of the sign.

(e) All signs shall:

(1) Be red and white.

(2) Be rigid and inflexible, and include those made of metal, sturdy plastic or other material that resists bending.

(3) Be flat.

(4) Be fade resistant and weather resistant.

(5) Conform to the sign examples below, without additions or deletions.

12" x 18" sign

Red and white Clearview font



9" x 12" sign
Red and white
clearview font



(f) Signs at each entrance to a private parking area and at each entrance to the area of private streets shall be reflective.

(g) Signs shall be updated within 30 days of any changes in circumstances or the law.

(h) Signs are required to conform to this section six months after the effective date of this ordinance.

Sec. 17-334. Permission to tow required.

(a) A person towing a motor vehicle parked on private property in violation of posted signs must have permission from the vehicle owner, or written permission from the property owner as follows:

- (1) The property owner shall sign each towing order at the time of the towing, or
- (2) The property owner shall enter into a written contract authorizing towing, with the following provisions:
 - (A) The property owner's name, agent's name, and phone numbers.
 - (B) The towing carrier's name, agent's name, and phone numbers, including a phone answered 24 hours a day, 7 days a week.
 - (C) The date of the contract.
 - (D) The term of the contract does not exceed one year.
 - (E) The contract is not transferable between property owners or between towing carriers.

(b) A person towing a motor vehicle shall not act as the property owner's agent.

(c) The person towing a motor vehicle under this section shall provide a copy of the current written contract upon request to a law enforcement officer.

Sec. 17-335. Prior notice to Police Department required.

(a) Any person towing a motor vehicle parked on private property in violation of posted signs without permission from the vehicle owner shall notify the Scottsdale Police Department before towing the motor vehicle.

(b) The person towing the motor vehicle shall provide the Scottsdale Police Department with the following information:

- (1) The name and address of the vehicle owner, if known;
- (2) The motor vehicle license number, vehicle identification number (VIN) and description;
- (3) The reason the motor vehicle will be towed;
- (4) The street address of the impound lot where the motor vehicle will be taken;
- (5) The name, phone number and driver's license number of the person that will tow the motor vehicle; and
- (6) The towing carrier's name, address, and phone numbers, including a phone answered 24 hours a day, 7 days a week.

Sec. 17-336. Staging prohibited.

A towing carrier is only authorized to tow a motor vehicle from the parked location directly to the towing carrier's permanent impound lot. A towing carrier shall not drop a motor vehicle at

any place between the parked location and the towing carrier's permanent impound lot.

Sec. 17-337. Release of motor vehicles.

(a) Any person or towing carrier towing a motor vehicle without the vehicle owner's permission shall maintain personnel able and authorized to release the motor vehicle to the claimant on a 24 hours a day, 7 days a week.

(b) A towed motor vehicle shall be immediately released to a claimant upon the production of the following proof of ownership: an actual or photocopy of the vehicle registration or title, whether current or not, or a current rental agreement for the towed motor vehicle, with the claimant's:

- (1) Driver's license; or
- (2) Photo identification, whether current or not, issued by any state or other sovereign empowered to issue such a license or identification, indicating the same last name as that in which the vehicle is registered; or
- (3) Photographic identification issued by any state or other sovereign empowered to issue such a license or identification, and the keys to the towed motor vehicle.

(c) A person in possession of a motor vehicle towed without the vehicle owner's permission shall allow a claimant immediate access to the towed motor vehicle, upon request, to retrieve any of the documentation listed in subsection (b) above.

(d) A person in possession of a motor vehicle towed without the vehicle owner's permission may require a claimant:

- (1) To provide a current address and phone number for billing.
- (2) To sign a receipt for the motor vehicle claimed. However, the receipt shall only contain the following:
 - (A) The letterhead, name and address of the towing carrier;
 - (B) The name and address of the claimant;
 - (C) The date and time when the motor vehicle was claimed;
 - (D) A description, including the license number, of the claimed motor vehicle; and
 - (E) A statement of the unpaid balance, if any.

(e) A person in possession of a motor vehicle towed without the vehicle owner's permission shall provide the claimant with information regarding billing and collection procedures. This information shall not contain any promissory note language.

(f) A person in possession of a motor vehicle towed without the vehicle owner's permission shall accept credit and debit card payments for all fees. There shall be no additional charges for such payment methods.

(g) No person shall release any motor vehicle after having been advised by any law enforcement agency that the vehicle has been reported as stolen.

Sec. 17-338. Maximum charge for towing.

(a) Under this article, the maximum charge for towing a motor vehicle from the city without the vehicle owner's permission shall be: \$125.

(b) The maximum charge includes all charges for towing the motor vehicle from the city, including all charges for transporting and storing the vehicle, driver's fees and surcharges. No

additional charges are permitted.

Sec. 17-339. No charge for incomplete service call.

(a) If the vehicle owner or driver returns to the motor vehicle (parked in a private parking area or on a private street properly posted with signs that conform to section 17-333) before the following occur, the attempt to remove the motor vehicle is an incomplete service call:

- (1) The motor vehicle is fully secured on the tow truck,
- (2) The motor vehicle is removed from the immediate area where it was parked, and
- (3) The tow truck enters a public street.

(b) The person or towing carrier shall release the motor vehicle subject to an incomplete service call without charge.

Sec. 17-340. Violations.

(a) No person shall tow a motor vehicle from a private parking area or private street, without the vehicle owner's permission, unless the property is properly posted with signs that conform to section 17-333.

(b) No property owner of any private parking area subject to towing shall permit towing unless the property is properly posted with signs that conform to section 17-333. No property owner of any private parking area subject to towing shall post towing signs other than those permitted by section 17-333.

(c) No property owner's association of an area containing private streets subject to towing shall permit towing unless the property is properly posted with signs that conform to section 17-333. No property owner's association of any private street subject to towing shall post towing signs other than those permitted by section 17-333.

(d) No property owner of any private parking area without signs in conformance with section 17-333 shall intentionally or knowingly permit towing of motor vehicles without the vehicle owner's permission.

(e) No property owner's association of an area containing private streets without signs in conformance with section 17-333 shall intentionally or knowingly permit towing of motor vehicles without the vehicle owner's permission.

(f) No person shall tow a motor vehicle from a public street, except with the vehicle owner's permission or on direction from a city police officer or other duly authorized agent.

(g) No person shall tow a motor vehicle from private property without the vehicle owner's permission, except when the property is properly posted with signs that conform to section 17-33 and:

- (1) On direction from a city police officer or other duly authorized agent, or
- (2) On direction from the property owner as required by section 17-334.

(h) No person shall tow a motor vehicle from private property in violation of posted signs without the vehicle owner's permission, unless the person notifies the Scottsdale Police Department before towing the motor vehicle as required by section 17-335.

(i) No person shall immobilize a motor vehicle with an immobilization device to enforce a parking violation, except on direction from a city police officer or other duly authorized agent.

(j) No person shall drop, store or hold a towed motor vehicle at any place between the parked location and the towing carrier's permanent impound lot.

(k) No person shall fail to release a motor vehicle towed without the vehicle owner's permission immediately after the claimant has produced the documentation required in section 17-337.

(l) No person releasing a motor vehicle after its being towed without the vehicle owner's permission shall require as a condition of release any documentation different from that permitted in section 17-337.

(m) No person releasing a motor vehicle after its being towed without the vehicle owner's permission shall charge more than the maximum charge permitted in section 17-338.

(n) No person releasing a motor vehicle after its being towed without the vehicle owner's permission shall hold the vehicle as security for payment of the charge.

Sec. 17-341. Penalties.

(a) A violation of this article is punishable as a class one misdemeanor.

(b) The minimum mandatory fines for violations of this article are:

(1) For a first violation: two hundred fifty dollars (\$250), plus surcharges.

(2) For a second violation: five hundred dollars (\$500), plus surcharges.

(3) For a third or subsequent violation: one thousand dollars (\$1000), plus surcharges.

(c) In addition to the penalties above, a violation of sections 17-334 through 17-339 shall result in a fine equal to the greater of (i) the maximum charge for towing (\$125), or (ii) the actual charge collected by the towing carrier.